

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 10-95 (RHK/FLN)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	GOVERNMENT'S MOTION TO
)	CONTINUE TRIAL
v.)	
)	
TROY DAVID CHAIKA,)	
)	
Defendant.)	

The United States of America, by and through its attorneys, B. Todd Jones, United States Attorney for the District of Minnesota, and Nancy E. Brasel, Assistant United States Attorney, moves to continue the trial in this case which is currently set for November 1, 2010.

Trial in this case was initially set for August 2, 2010. On June 23, 2010, the Court granted the defendant's motion to continue trial and set it for November 1, 2010.

The undersigned Counsel for the United States is scheduled for trial commencing on October 18, 2010 in United States v. Hecker, 10-32 (JNE/SRN), a case which is expected to take approximately six weeks to complete. Counsel for the government will not be in a position to try the above-referenced case until mid-January 2011.

In the defendant's previous motion for a continuance, the defendant requested a continuance of the trial date of at least 90 days from August 2, 2010, based on the volume of discovery in this matter as well as defense counsel's schedule of trials in other cases in both state and federal court. It continues to be the case

that from November 1, 2010 to mid-January, 2010, defense counsel has a full schedule of trial in other cases in both state and federal court. In addition, the volume of discovery in this case is large, and the government has informed the defendant that it may present a superseding indictment adding charges against the defendant.

As set forth in the Stipulation filed with the Court along with this Motion, the defendant has been advised and understands that he has a right to be tried within 70 days of his first appearance in this case, subject to certain excludable time periods. He further has been advised and understands that, based on the government's continuance motion, trial in this matter may be rescheduled to commence mid-January 2011 or later. Defendant's counsel has explained to the defendant his right to a speedy trial and the reasons for the continuance request and the defendant knowingly, voluntarily and intelligently waives his right to a speedy trial. In the Stipulation, the defendant knowingly, voluntarily and intelligently agreed and consented to the rescheduling of trial in this matter.

The parties believe that pursuant to 18 U.S.C. § 3161(h)(8)(A), the ends of justice served by the granting of the continuance in this matter outweigh the best interest of the public and the defendant in a speedy trial.

Wherefore, the United States respectfully moves for a continuance of trial until after January 15, 2011.

Dated: August 23, 2010

Respectfully submitted,

B. TODD JONES
United States Attorney

s/ Nancy E. Brasel

BY: NANCY E. BRASEL
Assistant U.S. Attorney
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